

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**DERIUS HARRIS, RAY MARSHALL, AND FREDERICK MALONE,  
INDIVIDUALLY AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 3:12-CV-542-CWR-LRA**

**HINDS COUNTY, MISSISSIPPI D/B/A  
HINDS COUNTY SHERIFF'S DEPARTMENT,  
MALCOLM MCMILLAN AND TYRONE LEWIS  
IN THEIR OFFICIAL CAPACITIES  
AS THE FORMER AND CURRENT SHERIFFS OF  
HINDS COUNTY, MISSISSIPPI**

**DEFENDANTS**

**PLAINTIFFS' MOTION TO ENFORCE SETTLEMENT**

Plaintiffs, individually and on behalf of all other similarly-situated current and past employees of Defendants, file this Motion to Enforce Settlement:

1) On March 6, 2015, the parties entered into a stipulation of settlement and release. [Doc. 43]. As part of the settlement class 4 opt-in members, which are current employees, would receive compensatory time as part of the settlement. The total amount of compensatory time for each class 4 opt-in member ended up being 301.5 hours.

2) As part of this settlement agreement Defendants were required to make their second \$500,000 payment on November 1, 2015.

3) That did not occur, and on November 9, 2015, Plaintiffs filed a motion to enforce the settlement.

4) On November 10, 2015, this Court held a hearing on Plaintiffs' motion to enforce settlement.

5) During the hearing Defendant contended it should not have to pay the second payment until it could clear up some confusion with another settlement with the Department of Labor.

6) Even though there was no such requirement in the settlement Plaintiffs' counsel agreed to the delay of their portion of the second payment so the Plaintiffs could be paid timely.

7) As part of this agreement before the Court, Plaintiffs' counsel agreed to meet with Defendants' counsel and the Department of Labor to clear up any confusion.

8) Plaintiffs' counsel met with Defendants' counsel and the Department of Labor on November 17 and 24, 2015.

9) At the end of the second meeting Defendants' counsel confirmed that Plaintiffs' counsel had met their obligations, and that the Defendants would make the final payment within a week or so.

10) Two months later Defendant has still not paid Plaintiffs' counsel the final payment of \$200,000.00.

11) Plaintiffs' counsel has attempted to contact Defendants' counsel numerous times about the lack of payment.

12) Each time Defendants' counsel has insisted the payment would be made shortly; however, that has not occurred.

13) As such, Plaintiffs' counsel requests that the Court demand Defendants to pay Plaintiffs' counsel the final \$200,000.00 payment.

THIS, the 25<sup>th</sup> day of January 2016.

Respectfully submitted,

/s/ Nick Norris  
NICK NORRIS (MSB#101574)

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I, NICK NORRIS, attorney for the Plaintiffs, do hereby certify that I have this day served via ECF filing or by United States mail, postage prepaid, a true and correct copy of the above and foregoing document to all counsel of record:

SO CERTIFIED, this the 25<sup>th</sup> day of January 2016.

s/ Nick Norris  
NICK NORRIS